

REMARKS

By this amendment, applicants have amended claim 3, 4, 6, 7, 9, 10, 13, 14, 16, 17 and 20 to eliminate the ambiguity noted by the Examiner with respect to the word "analyte" and have amended claim 14 to clarify the relationship between the calculation portion and the information stored in the storage portion. Claim 21 has been added to define a further feature of the invention. The foregoing amendments to claim 14 and new claim 21 are supported by, e.g., the description at page 26, line 21 to page 27, line 2 of Applicants' specification.

In view of the foregoing amendments to claims 3, 4, 6, 7, 9, 10, 13, 14, 16, 17 and 20, reconsideration and withdrawal of the rejection of claims 3, 6 and 7-20 under 35 U.S.C. 112, second paragraph, are requested.

In response to the obviousness-type double patenting rejections, including the provisional obviousness-type double patenting rejections, in numbered sections 4-15 of the outstanding Office Action, Applicants are submitting herewith timely filed and properly executed Terminal Disclaimers in accordance with 37 CFR 1.321(c). In view of the filing of these Terminal Disclaimers, reconsideration and withdrawal of the double patenting rejections are requested.

The Terminal Disclaimers have been filed in order to advance the prosecution of the application and the filing of the Terminal Disclaimers is not an admission of the propriety of the double patenting rejections.

Applicants note the Examiner has cited a number of documents as being pertinent to applicants' disclosure. However, since none of these documents was applied in rejecting the claims formerly in the application, further discussion of these documents is deemed unnecessary.

In view of the foregoing amendments and remarks and the attached Terminal Disclaimers, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1021.43719X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachments